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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,152	11/21/2005	Matthias Haller	ICC-241-255/PCT/US	3193
31217 7590 05/28/2008 LOCTITE CORPORATION 1001 TROUT BROOK CROSSING ROCKY HILL, CT 06067				
EXAMINER TADESSE, YEWEBDAR T				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
05/28/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/527,152

**Applicant(s)**

HALLER ET AL.

**Examiner**

YEWEBDAR T. TADESSE

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 12, 13, 15, 18, 20, 25, 28, 31, 32, 35, 51, 56, 68 and 69 is/are pending in the application.
- 4a) Of the above claim(s) 31, 32, 35, 51, 56, 68 and 69 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 12, 13, 15, 18, 20, 25 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. The preliminary amendment filed on March 9, 2005 by the applicants is noted. The restriction application mailed on 02/05/08 is still applicable to the claims as amended in the preliminary amendment filed on 03/09/2005. In this preliminary amendment, claims 9-11, 14, 16-17, 19, 21-24, 26-27, 29-30, 33-34, 36-50, 52-55, and 57-67 are cancelled and correction or re-numbering was made to the duplicated claim 68. The grouping of the amended claims is (as indicated by applicants) considered to be as follow: claims 1-8, 12-13, 15, 18, 20, 25 and 28; claims 31-32; and claims 35, 51, 56 and 68-68 as group I-III respectively same as described on the restriction/election requirement sent on 02/05/2008.
2. Applicants' election with traverse of group I in the reply filed on 03/03/2008 is acknowledged. The traversal is on the ground(s) to restriction is too restrictive. This is not found persuasive because the determination of serious burden is left to the examiner. In this case, as explained in the restriction/election requirement mailed on 02/05/2008, each group has distinct invention. Search and consideration of the three inventions increases the time needed to provide a determination of patentability by increasing the review of prior art of each invention.

The requirement is still deemed proper and is therefore made FINAL.

3. Claims 31-32, 35, 51, 56, 68-69 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there

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being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 03/03/2008.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 12 is unclear because from what element the fasteners are transferred to the second conveyor. For the purpose of examination "a transfer mechanism transferring the fasteners from the first conveyor to the second conveyor is assumed (see Applicants' Fig 2).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-8, 12-13, 20 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Thurber et al (US 5,426,130).

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As to claims 1-2 and 25, Thurber et al discloses (see Figs 1 and 5) an apparatus for conveying fasteners (45, 10) to an application station comprising a conveyor (31) for conveying fasteners to an application station; an application station (station F, H, 14, 16); a conveyor for conveying the fastener to an irradiation station and arranged to rotate the fasteners for photoirradiation and a photoirradiation (UV light) for curing.

With respect to claim 3, in Thurber et al the composition is an at least two stage curable composition (resin and hardener).

As to claim 4, in Thurber et al the fastener (45) is fed one by one in the station E.

With respect to claim 5, in Thurber et al the first conveyor extends through the application station.

As to claim 6, Thurber et al discloses a resin filling (blocking) applicator (nozzle 34).

Regarding claim 7, in Thurber et al the dimension of the applicators (14, 16) may be altered.

As to claim 8, Thurber et al discloses temperature control means (heaters 18) regulating the temperature of the fasteners prior to application of composition.

With respect to claims 12-13, Thurber et al discloses a transfer mechanism (wheels, see Fig 5) for transferring the fasteners from the first conveyor to the second conveyor.

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Regarding claim 20, Thurber et al discloses a supply system for the composition to the applicator (see Fig 5).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thurber et al (US 5,426,130) in view of Wallace et al (US 6,027,568). Thurber et al discloses two belts space apart for supporting the fasteners. However, two spaced rails for supporting the fasteners are not disclosed in Thurber et al. Yet, Wallace et al discloses a belt assembly provided

with rails (98, see column 6, lines 11-41 and Fig 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include rails in Thurber et al to provide support surface for the bottom of the fastener surface as taught by Wallace et al.

11. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thurber et al (US 5,426,130) in view of Hogan et al (US 5,288,526).

Thurber et al discloses a UV station. However, a UV station comprising a radiation source housed in an enclosure which focuses the radiation through an aperture is not taught in Thurber et al. An irradiation station as claimed is taught by Hogan et al (see Fig 1B, for enclosure 14, a radiation source 40 with an opening 64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include photoirradiation station as claimed to cure the substrate as desired.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YEWEBDAR T. TADESSE whose telephone number is (571)272-1238. The examiner can normally be reached on Monday-Friday 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yewebdar T Tadesse/  
Primary Examiner, Art Unit 1792